
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

DEVIN LEE MELCHER,

Petitioner,

*versus*UNITED STATES OF AMERICA, *et al.*,

Respondents.

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CIVIL ACTION NO. 1:14-CV-355

ORDER

This is a petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2241. On July 30, 2014, the magistrate judge recommended dismissing the petition. Petitioner did not file objections, and the petition was dismissed on November 5, 2014. After the judgment was entered, petitioner filed a motion to alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e). Petitioner's motion was granted to the extent that petitioner was granted additional time to file objections to the report and recommendation.

Petitioner has filed objections to the magistrate judge's Report and Recommendation. The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner may not pursue habeas relief under § 2241 because his claims do not meet the requirements set forth in *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). This court is bound by circuit precedent, which holds that a challenge to the validity of a career offender enhancement is not the type of claim that warrants relief under § 2241. *Kinder v. Purdy*, 222 F.3d 209, 213-14 (5th Cir. 2000).

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**.

SIGNED at Beaumont, Texas, this 9th day of January, 2015.

A handwritten signature in black ink, reading "Marcia A. Crone", written in a cursive style.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE